

REMARKS

Claims 1-20 are all the claims pending in the application.

Claims 3 and 5 have been canceled without prejudice or disclaimer.

Claim 1 has been amended to include the limitations of claims 3 and 5. Because this amendment should not require the Examiner to perform additional searching and places the Application in better condition for appeal, Applicant requests that the Examiner enter this after-final amendment.

Finality of the Office Action

Applicant respectfully disagrees that the amendments to the claims on October 10, 2003 necessitated the new grounds of rejection and requests that the Examiner withdraw the finality of the Office Action. The amendments to the claims were made in response to the the 35 U.S.C. § 112 rejections and simply incorporated suggestions made by the Examiner.

Prior Art Rejections

The Examiner has rejected claims 1, 2, 4, 8-14, 16-17 and 19 under 35 U.S.C. § 102(e) as being anticipated by Yeh et al. Applicant traverses these rejections because Yeh et al. fails to disclose all of the claim limitations. One of the features of the claimed invention is the use and function of an enzymatic catalytic unit having a *3' terminal strand* inducing an increase in mass by a polymeric concatenation from *one detecting unit*, and then increasing the level of the detecting signal.

None of the five passages referred to by the Examiner in item A(c) of the Office Action on page 3, disclose or suggest an “increase in mass,” the formation of a “polymeric concatenation,” or a “chain extension.” As such, Yeh is similar to the prior art cited in the previous Office Actions and fails to anticipate the claims.

Regarding the rejections based on Barbera-Guillem et al., since the Examiner did not apply this reference to claim 3, and the limitations of claim 3 have been added to claim 1, the rejection of claim 1 based on Barbera-Guillem et al. should be moot.

Finally, the rejection of all of the dependent claims based on Yeh, Barbera-Guillem et al, Grandi et al., and Hoersch et al. should also be withdraw because none of these references alone, or in combination disclose or suggest all of the limitation of independent claim 1 for the reasons described above.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

 # 40,766
Stan Torgovitsky
Registration No. 43,958

Date: July 16, 2004